

ORDINANCE (2002) 182 TC 216
TC-8-02

AN ORDINANCE TO REQUIRE PLANNING COMMISSION APPROVAL OF SITE PLANS ADJOINING PRIMARY RESIDENTIAL CORRIDORS (TYPE B THOROUGHFARES)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA: that

Whereas, Primary Residential Corridors, identified on the Comprehensive Plan, are thoroughfares where the abutting land uses are mostly residential uses. The Raleigh City Council finds that the residential character of these thoroughfares can best be maintained if a forty foot wide natural protective yard abutting the thoroughfare is maintained or uses, other than detached single family dwellings, are subject to plan approval of the Planning Commission, and

Whereas, This regulation would either provide a 40-foot tree preservation area along these heavily traveled residential thoroughfares undistributed except for 30 percent of its area or require a Planning Commission public hearing for developments desiring to remove more than thirty percent of trees adjacent to these thoroughfares, and

Whereas, This regulation is being adopted until new tree conservation enabling law is approved and appropriate regulations are developed and adopted.

Section 1. Amend Section 10-2132.2(c)(1) of the Raleigh City Code to add a new last subsection, subsection j. Said new subsection shall read as follows:

“j. All *site plans* located adjacent to or within forty (40) feet of a “Primarily Residential Corridors” (Type B thoroughfare), as designated on the Comprehensive Plan of the City, except *site plans* providing a forty (40) foot wide *natural protective yard* along all adjoining Primarily Residential Corridors.”

Section 2. Section 10-2132.2(c)(1)i of the Raleigh City Code is repealed, rewritten, and reenact to change the word of the provision to be consistent with all other subsections. Said subsection shall now read as follows:

“i. *Vehicular surface areas* or parking deck/garages not otherwise qualifying as a *plot plan* under section 10-2132.1 that are located within four-hundred (400) feet of a *residential district*, or a lot line of any lot containing any *dwelling, congregate care, or congregate living* structure, or both.”

Section 3. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which

can be given separate effect, and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 6. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in G.S. 14-4(a) or similar limitations.

Section 8. This ordinance shall become effective five days following its adoption.

Section 9. Section one of this ordinance shall sunset two years following its adoption.

Adopted: 04/02/02

Effective: 04/07/02

Distribution: Planning: Chapman, Hallam, Bunce, Sumpter, Brandon
Inspections: Ellis, Strickland
City Attorney's Office: Teachey, Ince
Taylor

ORDINANCE (2002) 240 TC 222

TC-8-02 (REVISION)

AN ORDINANCE TO EXEMPT CERTAIN PROPERTIES EXISTING AND APPROVED PRIOR TO APRIL 7, 2002 FROM REQUIRING PLANNING COMMISSION APPROVAL OF SITE PLANS ADJOINING PRIMARILY RESIDENTIAL CORRIDORS (TYPE B THOROUGHFARES)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA: that

Section 1. Amend Section 10-2132.2(c)(1) of the Raleigh City Code to revise the new last subsection, subsection j. [amended by TC-8-02 Ord. No. (2002) 182TC216]. The new revised subsection shall read as follows:

“j. All *site plans* located adjacent to or within forty (40) feet of a “Primarily Residential Corridor” (Type B thoroughfare), as designated on the Comprehensive Plan of the City, with the exception of the following:

1. *Subdivision* or *site plan* providing a forty (40) foot wide *natural protective yard* along all adjoining Primarily Residential Corridors;
2. *Lots* equal to or less than one-half acre recorded prior to April 7, 2002;
3. Proposed *lots* equal to or less than one-half acre having received preliminary *subdivision* approval prior to April 7, 2002;

If the proposed development otherwise requires Planning Commission or City Council approval by Section 10-2132, the above exceptions shall not supercede any other required approval process.”.

Section 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given separate effect, and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 6. This ordinance shall be enforced by law as provided in G.S.N.C. 160A-75 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 7. This ordinance shall become effective upon its adoption.

Section 8. This ordinance shall sunset on April 2, 2004.

Adopted: 6/18/02

Effective: 6/18/02

Distribution: Planning – Chapman, Hallam, Bunce, Sumpter, Brandon
Inspections – Ellis, Strickland
City Attorney’s Office – Teachey, Ince
J. Taylor

TYPE B RESIDENTIAL THOROUGHFARES

Wade Ave - Faircloth to Capital Blvd.

Glenwood Ave -Oberlin to Wade

Oberlin Rd. - Glenwood to Wade

Raleigh Blvd - MLK to Crabtree Blvd

Skycrest Dr - Brentwood to the Neuse

New Hope Rd - US 64 to US 401

Wake Forest Rd - Person St to Capital Blvd.

Martin Luther King Blvd - Raleigh Blvd to Poole Rd

Poole Rd - MLK to Sunnybrook Rd

Poole Rd - East Park to Jurisdiction

Creedmoor Rd - Glenwood Ave to the Watershed

Millbrook Rd - Glenwood Ave to Falls of the Neuse Rd

Spring Forest Rd - Six Forks Rd to Atlantic Ave

Lynn Rd - Six Forks Rd to Glenwood Ave

Strickland Rd - Falls of the Neuse Rd to Leesville Rd

Falls of the Neuse Rd - Strickland Rd to NC 98

Falls of the Neuse Rd - Spring Forest Rd to Millbrook Rd

New Falls of the Neuse Rd – Falls to Wakefield City Focus

Leesville Rd - Millbrook Rd to Jurisdiction

Buffaloe Rd - Capital Blvd to Jurisdiction

Southall Rd - US 64 to Buffaloe Rd (in future to US 401)

Litchford Rd - Atlantic Ave to Falls of the Neuse Rd

Durant Rd - Falls of the Neuse to CSX Railroad

Perry Creek Rd - Wildwood Forest to US 401

Forestville Rd - US-401 to Buffaloe Rd

Edwards Mill Rd - Crabtree Valley Focus to Duraleigh Rd

Duraleigh Rd - Edwards Mill Rd to Millbrook / Lynn Rd Focus

Leadmine Rd - Crabtree Focus to Strickland / Six Forks Focus

Rock Quarry Rd – I-40 to I-40 then to Jurisdiction

Tryon Rd - Wilmington St to Jones Franklin Rd

Lake Wheeler Rd - I-40 to Jurisdiction

Jones Franklin Rd - US 64 (Beltline) to Western Blvd

Gorman St. – Tryon Rd to Jurisdiction limit

Aviation Parkway – I-40 to US 70

Westgate Rd – Ebenezer Church Rd to Leesville Rd

Ord. (2002) 240 TC 222

Page 4

June 18, 2002

Sanderford Rd - Rock Quarry Rd to Jurisdiction

Jones Sausage Rd - I-40 to Jurisdiction

New Bern Ave. – Raleigh Blvd. to Albermarle Ave.

New Hope Rd - Rock Quarry Rd to Old Poole Rd.

New Leesville Rd – ask MARTIN